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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/080,461 05/19/98 ASAMA

H F619-93US0

EXAMINER

LM01/0413

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WASHINGTON DC 20004

JOSEPH, T

ART UNIT

PAPER NUMBER

2773

DATE MAILED:

04/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/080,461

Applicant(s)

Asama et al.

Examiner

Thomas Joseph

Group Art Unit

2773



☒ Responsive to communication(s) filed on May 19, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-19 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on May 19, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2773

DETAILED ACTION

1. Claims 1-19 are pending in this application. Claims 1, 6, and 11 are independent claims.
2. The present title of the inventions is "User Adaptive Variable Environment System."

Drawings

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 1-5 as described in the specification. For example, placing a label, "user recognizing unit", with element 2 of Fig. 1 would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Specification

4. The abstract of the disclosure is objected to because of the following informality: line 3 which reads "... information storage remedium which to be ..." should read "... information storage medium which to be ...". Correction is required. See MPEP § 608.01(b).

Art Unit: 2773

Election/Restriction

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. Species I, figs. 2, #4 and #2a, is directed towards a system for recognizing ID cards:
claims 2-5, 7-10, and 16, 345/329
- b. Species III, figs. 1-3, directed toward an apparatus for recognizing images which uses a CCD camera: **claims 12 and 13, 382/181**
- c. Species IV, figs. 1-3, directed toward an apparatus for recognizing voice information:
claim 14, 704/231
- d. Species V, figs. 1-3, directed toward an apparatus for recognizing code information:
claim 15, 345/333
- e. Species VI, fig. 4, directed toward a device which is an elevator: **claims 17-19, 187/391.**

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 1, 6 and 11** are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

7. A telephone call was made to Mr. John C. Holman on 4-10-00 to request an oral election to the above restriction requirement, but did not result in an election being made.

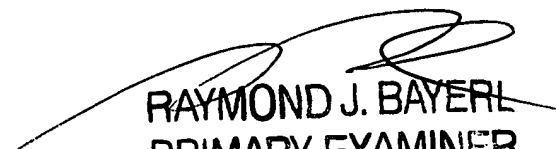
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Joseph whose telephone number is (703) 305-2277. The examiner can normally be reached on Monday through Friday from 7:30 pm to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tjj/4-10-2000

A handwritten signature in black ink, appearing to be 'tjj' followed by a stylized flourish.A large, stylized handwritten signature in black ink, likely belonging to Raymond J. Bayerl.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773